

223.425 Application for certificate or renewal -- Qualifications of water well driller -- Limited exemption for users of divining rods -- Term of certificate -- Water well driller's assistant card -- Supervision of assistants -- Administrative regulations.

- (1) Application for a certificate, or for renewal thereof, shall be made to the cabinet in writing under oath or affirmation, upon forms prescribed and furnished by the cabinet. The applications shall include:
 - (a) The name and address of the applicant;
 - (b) Prior experience, if any, in the field for which the applicant is applying;
 - (c) Any other information that the cabinet deems necessary in order to carry out the provisions of KRS 223.405 to 223.460; and
 - (d) All past and current licenses held in this or any other state relating to the provisions of KRS 223.405 to 223.460.
- (2) The cabinet may issue a water well driller certificate to any applicant who meets all of the provisions of KRS 223.405 to 223.460 and:
 - (a) Is at least eighteen (18) years of age; and
 - (b) Is legally permitted to work in the United States; and
 - (c) Has worked for two (2) years under the supervision of a certified water well driller or has other suitable experience or education as determined by the cabinet. For those in business on July 13, 1984, the two (2) year experience requirement shall be deemed satisfied if the driller has engaged in water well drilling, over the two (2) previous years; and
 - (d) Has a passing grade on the examination as determined by the cabinet.
- (3) Those persons who are water witchers, dowzers, diviners, and any others who use divining rods for the purpose of locating underground water resources shall be exempt from KRS 223.405 to 223.460 for the purpose of locating underground water resources, but are not exempt from the requirements of KRS 223.405 to 223.460 for the purpose of installing water wells.
- (4) The term of each certificate shall be one (1) year. Each certificate shall carry with it the right to successive renewal upon application and payment of fee, unless the board finds that the certified individual has failed to comply satisfactorily with KRS 223.405 to 223.460 or the regulations promulgated pursuant to KRS 223.420 or 223.435.
- (5) Application for a certified water well driller's assistant card shall be made on forms prescribed and furnished by the cabinet. Applications shall include the following information:
 - (a) Name and address of the applicant;
 - (b) Prior experience, if any, in the field for which the applicant is applying;
 - (c) Past and current licenses held in the Commonwealth or any other state that relates to KRS 223.405 to 223.460;
 - (d) Proof that the applicant is at least eighteen (18) years of age;

- (e) Proof that the applicant is legally permitted to work in the United States;
- (f) Proof that the applicant has a passing grade on examinations required by the cabinet;
- (g) An affidavit of supervision signed by the certified water well driller, which shall include, at a minimum, the following information:
 - 1. The name and certification number of the certified water well driller;
 - 2. The name of the company under which the certified water well driller works;
 - 3. The name and address of the certified water well driller's assistant to be supervised under the company identified in subparagraph 2. of this paragraph;
 - 4. The effective date when supervision is to begin, and a statement that supervision shall remain in effect until such time as the certified water well driller provides written notice to the Division of Water and the water well driller's assistant of the termination of supervision;
 - 5. The types of duties or operations to be performed by the water well driller's assistant while under supervision of the certified water well driller, and a statement that the work to be performed shall be in accordance with all applicable statutes and administrative regulations; and
 - 6. Notarized signatures of the certified water well driller and the certified water well driller's assistants; and
- (h) Any other information that the cabinet deems necessary in order to carry out KRS 223.405 to 223.460.
- (6) The water well driller's assistant card shall be effective for one (1) year and shall be subject to successive renewal upon submission of application and payment of prescribed fee by the cabinet unless:
 - (a) The cabinet finds that the certified water well driller's assistant has failed to comply with any of the provisions of KRS 223.405 to 223.460 or the administrative regulations promulgated thereunder; or
 - (b) The certified water well driller's assistant has failed to maintain an annual minimum of eight (8) hours of continuing education credits.
- (7) A certified water well driller is allowed to supervise a maximum of two (2) certified water well driller's assistants at any given time.
- (8) The water well driller's assistant shall be under the certified water well driller's direct supervision when constructing, modifying, abandoning, or testing a water well.
- (9) The cabinet shall promulgate administrative regulations to establish the required forms, process, examination, fees, affidavit of supervision, requirements of direct supervision by the certified driller, and any other requirements necessary for the implementation of the water well driller's assistant certification program.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 4, sec. 3, effective June 27, 2019. -- Amended 1992 Ky. Acts ch. 212, sec. 3, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 209, sec. 1, effective March 30, 1990. -- Created 1984 Ky. Acts ch. 215, sec. 6, effective July 13, 1984.